

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUEBEN ROBERTS,

Petitioner, No. CIV S-04-2232 MCE PAN P

vs.

TOM L. CAREY,

Respondent. ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. See 28 U.S.C. § 2254.

On March 16, 2006, the court directed petitioner to file and serve an opposition or notice of non-opposition to respondent's motion to dismiss. Petitioner has responded with a document styled, "Motion for Phone Conference to Respond to Opposition."

In cases where the petitioner is a prisoner without counsel, motions are resolved on the papers. Local Rule 78-230(m).

Accordingly, IT IS HEREBY ORDERED THAT:

1. The March 16, 2006, order to show cause is vacated;
2. Petitioner's April 21, 2006, motion is denied;

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3. Petitioner has 20 days from the date of this order either to file an opposition to respondent's motion to dismiss or a notice of non-opposition. Failure to file an opposition may result in a finding petitioner has waived opposition. See Local Rule 78-230(m).

DATED: May 25, 2006.

John F. Wark
UNITED STATES MAGISTRATE JUDGE

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